

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

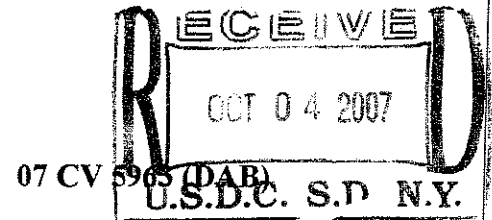
MTS LOGISTICS INC. and MTS ULUSA  
ARARASI TASIMACILIK VE TIC. A.S.,

Plaintiffs,

-against-

EUROTEX INC, a/k/a EUROTEX HOME  
FASHIONS, a/k/a EBRAHAM EUROTEX  
INC., and ONDERLER DIS TICARET LTD  
STI,

Defendants.



FIRST AMENDED COMPLAINT

PLEASE TAKE NOTICE that Plaintiffs, MTS LOGISTICS INC. and MTS ULUSLARARASI TASIMACILIK VE TIC. A.S. (collectively "MTS"), by their attorneys, MAHONEY & KEANE, LLP, as and for a Complaint against Defendants, EUROTEX INC, a/k/a EUROTEX HOME FASHIONS, a/k/a EBRAHAM EUROTEX INC. ("EUROTEX") and ONDERLER DIS TICARET LTD STI ("ONDERLER"), allege, upon information and belief, as follows:

1. This is a case of admiralty and maritime jurisdiction within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. Jurisdiction is based upon 28 U.S.C. § 1333, as well as the Court's pendent, supplementary and ancillary jurisdiction.
2. Plaintiff MTS ULUSLARARASI TASIMACILIK VE TIC. A.S. is a legal entity duly organized and existing pursuant to the laws of a foreign country.
3. Plaintiff MTS LOGISTICS, INC. is a legal entity duly organized and existing pursuant to the laws of the United States with an office and a place of business located within the Southern District of New York.

4. Plaintiffs MTS are the issuers of bills of lading numbered MER00809, MER00565, MER00618 and MER00744 for the ocean carriage of cargo aboard various vessels.

5. Defendant EUROTEx is a business entity organized and existing pursuant to the laws of the United States with offices and a place of business located at 459 COURTLAND STREET, BELLEVILLE, NJ 07109.

6. Defendant EUROTEx is a business entity organized and existing pursuant to the laws of the United States with offices and a place of business located at 18 DEVONSHIRE TERRACE, WEST ORANGE, NJ 07052.

7. EUROTEx is the consignee on the aforesaid bills of lading, obligated to pay the freight on the aforesaid shipments.

8. Defendant ONDERLER is a business entity organized and existing pursuant to the laws of a foreign country with offices and a place of business located at KAMIL SERBETCI BULV. NO 13 ORG, SAN BDLG, BASPINAR/GAZIANTEP, TURKEY, and is the shipper on the aforesaid bills of lading obligated to pay the freight on the aforesaid shipments.

9. Venue is properly placed in this District pursuant to the Law and Jurisdiction clause of the aforesaid bill of lading contract.

10. Venue is also properly placed in this District, as Plaintiff MTS resides and/or maintains a principal place of business within the Southern District of New York.

11. Plaintiffs sue on their own behalf and as agents and trustees on behalf of any other party who may now have or hereinafter acquire an interest in this action.

12. All conditions precedent required of Plaintiffs in the aforesaid shipments have been performed.

**AS AND FOR A FIRST CAUSE OF ACTION**

13. Plaintiffs repeat and reiterate each and every allegation contained in paragraphs "1" through "12" as if specifically set forth herein at length.

14. At all times relevant herein, Defendants contracted with Plaintiffs for Plaintiffs to provide for the aforesaid ocean carriages in consideration of freight payments by Defendants to Plaintiffs.

15. Plaintiffs duly performed all duties and obligations required to be performed by Plaintiffs in connection with Defendants' shipments.

16. Defendants have failed to make payment, as required by the respective contracts, on outstanding invoices for freight.

17. No payment has been received although duly demanded.

18. Defendants breached their contracts with Plaintiffs.

19. By reason of the foregoing, Plaintiffs have sustained damages in the amount of \$8,050.00, together with interest, costs, fees, and expenses.

**AS AND FOR A SECOND CAUSE OF ACTION**

20. Plaintiffs repeat and reiterate each and every allegation contained in paragraphs "1" through "19" as if specifically set forth herein at length.

21. Defendants have an account stated with the Plaintiffs.

22. By reason of the foregoing, Plaintiffs have sustained damages in the amount of \$8,050.00, together with interest, costs, fees, and expenses.

**AS AND FOR A THIRD CAUSE OF ACTION**

23. Plaintiffs repeat and reiterate each and every allegation contained in paragraphs "1" through "22" as if specifically set forth herein at length.

24. Plaintiffs are due from Defendants the quantum meruit of Plaintiffs' services.

WHEREFORE, Plaintiffs pray that judgment be entered in an amount exceeding **eight thousand and fifty dollars** (\$8,050.00), plus interest, fees, including attorneys' fees, costs, and disbursements; that Court process be issued against the Defendants;

and that Plaintiffs be granted such other and further relief as the Court may deem just and proper.

Dated: New York, New York

October 3, 2007

MAHONEY & KEANE, LLP  
Attorneys for Plaintiffs  
**MTS LOGISTICS INC and MTS ULUSA  
ARARASI TASIMACILIK VE TIC. A.S.**

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SERVICE LIST

EUROTEX INC, a/k/a EUROTEX HOME  
FASHIONS, a/k/a EBRAHAM EUROTEX  
INC.  
459 Courtland Street  
Belleville, NJ 07109

ONDERLER DIS TICARET LTD STI  
Kamil Serbetci Bulv. No 13 Org, San Bdlg,  
Baspinar/Gaziantep  
TURKEY

EUROTEX INC, a/k/a EUROTEX HOME  
FASHIONS, a/k/a EBRAHAM EUROTEX  
INC.  
18 Devonshire Terrace  
West Orange, NJ 07052